

# SULLIVAN AND LEAVITT, P.C.

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### OVER 60 YEARS OF SERVICE

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## RELEASE

### CDL REQUIRED FOR SOME TRUCK/TRAILER COMBINATIONS

Dear Clients:

We have recently noticed an increase in the number of citations being issued for failing to have a commercial driver's license (CDL) where the gross combination weight rating (GCWR) for a truck and trailer exceeds 26,000 pounds. Citations issued for this violation are misdemeanors punishable by up to \$500 in fines plus additional costs and will add two points to the driver's record. The driver may also be taken out of service until she or he obtains a CDL.

Many drivers believe that if they only need a chauffer's license to operate a truck, then the chauffer's license suffices when they add a trailer. They reason that as long as the actual weight of the truck and trailer combination is less than 26,000 pounds, the chauffer's license is sufficient. It often is not, however.

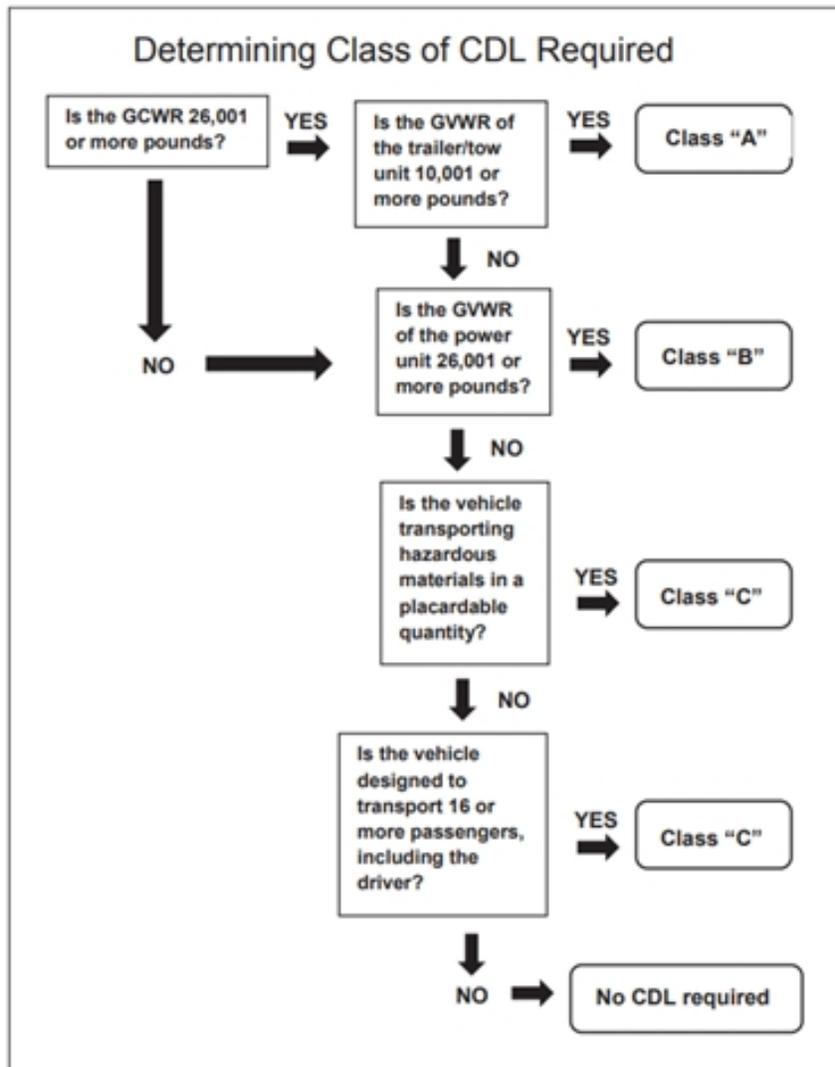
The law governing combination weight ratings, MCL 257.312e(1), can be confusing unless you keep in mind the difference between actual weight, gross vehicle weight rating (GVWR), and gross combination weight rating (GCWR).

**Actual weight:** The actual weight, loaded or unloaded, of the truck or trailer. Some laws are based on actual weight, others are based on GVWR.

**GVWR:** The maximum loading weight rating applied to the vehicle by the manufacturer. This number can usually be found on your truck or trailer registration, or on a VIN plate on the truck or trailer.

**GCWR:** This number is obtained by adding the GVWR of all trucks and trailers used in the combination.

The State of Michigan publishes the following flowchart for determining the required CDL class needed:



**EXAMPLES:**

Following are the most common examples of situations determining whether you need a chauffeur’s license or a CDL. Before applying these examples to your situation, make sure you know the GVWR for each truck and trailer you want to use in a combination. **The situations outlined in Examples 3 and 4 are causing the most confusion:**

1. If you operate a motor vehicle with a GVWR of between 10,000 pounds and 26,000 pounds, you need a chauffeur’s license. You also need a chauffeur’s license if you operate a motor vehicle for the purpose of carrying passengers (bus or shuttle) or as a common or contract carrier of property (such as a package delivery vehicle).
2. If you operate a motor vehicle with a GVWR of 26,001 pounds or more, you need a CDL.

3. If you operate a motor vehicle with a GVWR of less than 26,001 pounds towing a trailer that has a GVWR of 10,000 pounds or less, then you only need a chauffer's license. This is an area of confusion. For example, if you have a truck with a 19,000 pound GVWR towing a trailer with a 9,000 pound GVWR, you only need a chauffer's license, even though the gross combined weight rating (GCWR) is 28,000 pounds. Thus, ***the first step must be to determine the GVWR of the trailer.*** If the GVWR of the trailer is 10,000 pounds or less, it does not affect the legality of operation by the driver who only has a chauffer's license.
4. If you operate a motor vehicle with a GVWR of less than 26,001 pounds with a trailer that has a GVWR of 10,001 pounds or more, then you need a CDL if the GVWR of the truck and trailer, added together (the GCWR), equals 26,001 pounds or more. This means, for example, that if you have a pickup truck with a GVWR of 16,000 pounds pulling a trailer with a GVWR of 10,001 pounds or more, you need a CDL.

The above examples do not include all situations or combinations of trucks and trailers. Additional endorsements may be needed depending on the number of trailers and what you are carrying.

Please contact one of our attorneys below if you have any questions or if you receive a citation for one of these violations.

Very truly yours,

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